

COONS & HARROD



ATTORNEY AT LAW

509 FOURTH STREET SUITE 4-8
BREMERTON, WASHINGTON 98310

(206) 377-7579

October 29, 1969

RECEIVED
OCT 31 1969
BREMERTON-KITSAP CO.
DEPT. OF PUBLIC HEALTH

10-31-69
Jaw
10/31/69

City of Bremerton
Department of Public Health
109 Austin Drive
Bremerton, Washington 98310

County of Kitsap
County Commissioners Office
Kitsap County Court House
614 Division
Port Orchard, Washington 98366

Gentlemen:

I have been engaged by Ames Auto Wrecking, Inc., relative to the refuse disposal site near the airport in South Kitsap County.

I have at hand a letter dated October 28, 1969, wherein the Department of Health purports to return a \$25 payment for permit and not issue permit basing its action on Kitsap County Ordinance No. 32 and instructions for the Board of County Commissioners.

Please understand that Ames Auto Wrecking, Inc. does demand the issuance of permit at this time, does further demand that any action to be taken against it shall be taken at open and public hearing with notice to the corporation so it can defend itself and can know what violation, if any, it has made of Ordinance No. 32.

Understand that the corporation has a contract with the United States Navy for dumping which is rather substantial. Any closing of this facility occasioning a loss would be the subject matter of an immediate lawsuit against the County and against the Commissioners individually for exceeding their authority. Likewise, an action would be brought to enjoin any attempt of the County to close this facility.

It is suggested that perhaps a meeting could be arranged with the County Commissioners so this matter may be settled amicably and the permit paid for sometime ago issued.

Very truly yours,

COONS & HARROD

BY:

Curtis H. Coons

CHC:yar

cc: Mayor H. Floyd & Commissioners

, Ext. 348

RECEIVED
AUG 21 1969

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AUG 21 1969

BREMERTON
OFF

John A. Bishop, Esquire
Attorney at Law
Suite E
Bremerton Professional Building
3421 Kitsap Way
Bremerton, Washington 98310

Dear Mr. Bishop:

Thank you for your letter of 31 July 1969 advising of the proposed action by your clients against Ames Auto Wrecking Dump. The action is proposed, according to your letter, because of the manner in which Ames Auto Wrecking, Inc., is using their property as a dump.

The United States has a contract with the Ames Auto Wrecking, Inc., for the disposal of waste generated by the Puget Sound Naval Shipyard. The Government has, however, no control over the contractor's property, nor the jurisdiction to regulate its operation outside federal property.

The contract in question does provide that the contractor be licensed, and that he comply with all Federal, State and Municipal laws, codes and regulations. However, the determination of whether the contractor is in violation of the law and the enforcement thereof is a matter for local authorities and is not within the jurisdiction of the Federal Government.

On 11 August 1969, Mr. J. A. Weigel, Director of the Division of Environmental Sanitation for Kitsap County, was in contact with this office concerning the Ames Auto Wrecking Dump. He stated that he was meeting with the County Commissioners later in the day to consider action that should be taken in regards to the dump operation. He was furnished information concerning the amount of refuse being hauled to the dump from the Puget Sound Naval Shipyard.

Your consideration in advising the Navy of the present controversy is appreciated. The Navy will cooperate with the local authorities in resolving this matter to the fullest extent possible.

Very truly yours,

bc: (w/cy of 31 Jul 69 ltr)
Mr. J. A. Weigel
Bremerton-Kitsap County Health Dept.
109 Anston Drive
Bremerton, Washington 98310

J. W. GORDNER
Captain, DEC, USN
Commanding Officer
Northwest Division
Naval Facilities Engineering Command